

USAWC STRATEGY RESEARCH PROJECT

**HONDURAS STRATEGIC FREE PASSAGE THROUGH THE GULF OF FONSECA**

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## **ABSTRACT**

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A two-centuries-old border dispute between El Salvador and Honduras was resolved in 1992. At issue in this territorial dispute was ownership of six contested pockets of land encompassing a total area of 436.9 Km<sup>2</sup>, as well as two islands (Meanguera and El Tigre) in the "Golfo de Fonseca" (GF) and right of passage for Honduras to the Pacific Ocean.

More importantly for Honduras, the ICJ ruling assured Honduras's free passage to the Pacific Ocean; also decided that the GF does not represent international waters because of the two countries' shared history as provinces of the same colonial power and subsequent membership in the United Provinces of Central America. The Court ruled, rather, that the GF is a condominium, with control being shared by El Salvador, Honduras, and Nicaragua.

This paper will examine both factors concerning, the historical and current situation into the GF, as well as three alternative strategies that could be implemented by Honduras to maintain the free passage through the Pacific Ocean. In the end, I will present conclusions about the continuous dispute and some recommendations for its probable solution.



## HONDURAS STRATEGIC FREE PASSAGE THROUGH THE GULF OF FONSECA

The free passage towards the Pacific Ocean through Gulf of Fonseca is an issue of strategic importance for Honduras, it is critical to both our internal and external defense, as well as to issues affecting domestic, regional and international trade.

An analysis on this free passage requires consideration not only of the historical context but an awareness of the present legal situation of the Gulf of Fonseca. Honduras and its neighbors, especially the Republic of El Salvador, maintain a constant controversy on the matter.

This essay is an approach to the present strategy of Honduras in the Pacific, detailing its objectives, forms, means and implicit risks. In addition, three alternate strategies to reach the established strategic national objectives are presented and end with the pertinent conclusions and recommendations.

### History and Evolution of the Legal Situation of the Gulf of Fonseca and the Exit from Honduras to the Pacific

In order to get a clear and fast comprehension of the history and evolution of such situation, a succinct description of Honduras and its limits will be helpful.

#### The Name of Honduras

The Spanish used at least three different terms to refer to the area that became the Central American country of Honduras:<sup>1</sup>

- Guaymuras - a name Columbus provided for a town near modern Trujillo. Subsequently generalized it to apply to the whole colony.
- Higuera - a reference to the gourds that come from the Jícara tree, many of which were found floating in the waters off the northwest coast of Honduras.
- Honduras - literally “depths” in Spanish. Cristobal Columbus is traditionally quoted as having written “Gracias a Dios que hemos salido de esas honduras” (English: “Thanks to God we have come out from those depths”) while along the northeastern coast of Honduras.

In English, Honduras is sometimes referred to as Spanish Honduras to distinguish it from British Honduras, known today as Belize. The actual and official name of the country is HONDURAS and was given by Legislative Decree N° 3, 1862 May, 7.

## Territory of Honduras <sup>2</sup>

**Localization and Boundaries:** Honduras is a country situated in Central America. Honduras borders the Caribbean Sea and the North Pacific Ocean. Guatemala lies to the west, Nicaragua to the south east and El Salvador to the south west. It is the second largest Central American republic. The rhomboidal-shaped country has a total area of about 112,492 square kilometers. The 735-kilometer northern boundary is the Caribbean coast extending from the mouth of the Río Motagua on the west to the mouth of the Río Coco on the east, at Cabo Gracias a Dios. The 922-kilometer southeastern side of the rhomboid is the land border with Nicaragua; it follows the Río Coco near the Caribbean Sea and then extends southwestward through mountainous terrain to the Gulf of Fonseca on the Pacific Ocean. The southern apex of the rhomboidal is a 153- kilometer coastline at the Golfo de Fonseca, which opens onto the Pacific Ocean. The western land boundary consists of the 342-kilometer border with El Salvador and the 256-kilometer border with Guatemala.

Honduras controls a number of islands as part of its offshore territories. In the Caribbean Sea, the islands of Roatán (Isla de Roatán), Utila, and Guanaja together form Islas de la Bahía (Bay Islands), archipelago that also has a number of smaller islands. Farther out in the Caribbean are the Islas Santanillas, formerly known as Swan Islands. A number of small islands and keys can be found nearby, among them Cayos Zapotillos and Cayos Cochinos.

In the Golfo de Fonseca, the main islands under Honduran control are El Tigre, Zacate Grande (Isla Zacate Grande), and Exposición (Isla Exposición).

Maritime claims:

- contiguous zone: 24 nm (44 km)
- continental shelf: natural extension of territory or to 200 nm (370 km)
- exclusive economic zone: 200 nm (370 km)
- territorial sea: 12 nm (22 km)

## Honduras Political Boundaries

**Land Boundaries:** Honduras has delimited all its land boundaries, which have been juridical defined by the International Law. The border of Honduras with Guatemala was defined by arbitration ruling emitted in Washington, D.C. 1933, January 23. With Nicaragua its land border was defined by ruling of the King of Spain Alfonso XIII in December 23, 1906, and it was ratified by the International Court of Justice, November 18, 1960. With El Salvador land boundary was defined by the ICJ ruling in September 11, 1992.

**Maritime Borders:** Honduras has eight sea boundaries in the Atlantic Ocean: with Guatemala, Belize, Mexico, Cuba, Jamaica, Nicaragua, Colombia and the United Kingdom (Islands of the Great Cayman).

In the Pacific Ocean, Honduras has two sea boundaries with El Salvador and Nicaragua. Even though Honduras is a subscriber and has ratified the Treaty of Geneva on the Territorial Sea (29 of April, 1958) as well as the Treaty of the Nations United on the Law of the Sea (10 of December, 1982), has not delimited yet its maritime spaces with the contiguous States (except with Nicaragua in the Atlantic Ocean).

#### Historical Origins and Attempts of Solution of the Controversy on the Gulf of Fonseca

In the context of the Honduran-Salvadoran controversy, it is necessary to indicate some aspects historical - legal, since its origin through its submission to the Jurisdiction of the International Court of Justice (ICJ), this point is made with the intention to establish the bases for the analysis that will be done, over the territorial controversy between Honduras and El Salvador. For its study, this section will be divided in: Origins of the Controversy, Attempts of Pacific Solution 1861 - 1969, and Attempts of Pacific Solution 1969 - 1985.

##### Origins of the Controversy

When speaking of the origin of the situation that gave rise to the controversy, and following the A.P. Sereni thesis<sup>3</sup>, we face the problem described by M. Huber<sup>4</sup> as crucial or critical date that, in the present case is September 15, 1821, date when the independence of Central America was declared. Nevertheless, the controversy's territorial, insular and maritime aspects arose on different dates.

In the territorial matter, the consequences of the initial indetermination of the limits began to be observed in 1861 when the Minister of Foreign Affairs of El Salvador, Mr. Viteri sent a note to the Minister of Foreign Affairs of Honduras, to demarcate the sector of Nauterique, Honduras. From this moment to the document of 1972 that D. Camilo Gómez Gómez named "Act of Guatemala"<sup>5</sup>; differences in other five more sectors arose.

With regard to the differences on the insular issue, the problem arose in 1854, a period when the rivalries between the United Kingdom and the United States reached utmost difficulty; a great tension about the possession of certain islands located in the Gulf of Fonseca, which caused a protest on the part of El Salvador in relation with its right of possession of both, Meanguera and Meanguerita islands, by means of note of October 12, 1854<sup>6</sup>.

In relation with the maritime problem; it began in 1884, with the convention concluded on April 10 in San Miguel, El Salvador; related to the delimitation of the maritime spaces in the Gulf of Fonseca. This convention was not ratified by Honduras<sup>7</sup>.

A decisive date in the determination of the legal regime of waters of the Gulf of Fonseca was the ruling of the Central American Court of Justice in 1917, when the Salvadoran thesis of the condominium was recognized<sup>8</sup>.

#### Attempts of Pacific Solution to Controversy 1861 – 1969

During period 1861 - 1969, Honduras and El Salvador appealed to the mechanisms of pacific solution of controversies, in both diplomatic and instrumental aspects, such as the direct agreement within the Commissions of Limits, and mediation. Furthermore, both countries appealed to jurisdictional mechanisms, such as the arbitration, or the judicial procedure, with no positive results.

During this period of 108 years, 17 attempts took place to solve the controversy. The parts named different commissioners in order to negotiate international treaties; conducted conferences attempting to solve the problem, or tried to practice measures of the land that both alleged to be the owner. In spite of previous, none of the signed agreements took effect do to a lack of ratification by one or another State. In fact, far from arriving at an understanding the settlement efforts ended with Honduras and El Salvador engaged in a major armed conflict.

#### Attempts of Pacific Solution to Controversy 1969 – 2006

In 1969, a series of incidents generated great tension between both countries; consequently a rupture the diplomatic and consular relations took place, finalizing with an armed conflict the 14 July of 1969. From that day, the dialogue between Honduras - El Salvador with regard to borders entered a new phase that would last 23 years, ending with the ruling of the ICJ on September 11, 1992.

The most relevant facts of the period 1969 -2006 were as follows:

- Thirteenth consultative meeting of the OAS
- Signature of the Act of Guatemala -1972-
- Signature of the Agreement of Mediation -1976-
- Creation of the Joint Commission of Limits
- The submission of the controversy to the ICJ



## Legal Situation of the Gulf of Fonseca and the Exit from Honduras to the Pacific Ocean

**Initial Legal Situation and During the Colonial Era:** The waters of the Gulf of Fonseca were never possessed in an exclusive way by any certain national organization or a specific group in particular. During the pre-Hispanic time, the first inhabitants of its shores and some of its islands were groups or tribes of Mexican origin. Later on it was occupied by other n groups of the center and the West of Honduras. These groups moved freely by water through the Gulf in activities of fishing and commercial interchange between the existing centers of population at that time.

After the discovery of the Gulf of Fonseca by Andrés Niño in 1522, Gil Gonzalez integrated it with the new territories discovered from the Gulf of the Bear -in the border between Costa Rica and Panama- to the other side of the Pacific, through 16.5° North latitude; including the Gulf of Fonseca and its islands, as well as almost all the countries of Central America. This was the first time that the gulf was included as part of a defined territory in the Central America region.

During the colonial time, while constituting the three neighboring administrative organizations in the Gulf of Fonseca - the provinces of San Miguel, Comayagua and Leon , which belong to the current Republics of El Salvador, Honduras and Nicaragua, respectively - the first problematic situation took place, in which, their three jurisdictions concurred in the coasts of the Gulf. This agreement underwent some temporary modifications throughout the colonial era, to arrive finally at an accommodation between the civilian and the ecclesiastical administrations, since both had concurred with any decision according to the dispositions of the Spanish monarchy.

Honduras, Nicaragua and El Salvador have presented several colonial documents as the bases of their rights on the territorial controversies on the Gulf of Fonseca. These mainly concern the border disputes that El Salvador and Honduras have maintained until the recent past on the colonial jurisdiction in both maritime and insulars spaces of the Gulf of Fonseca.

## Bilateral Treaties Related to the Gulf of Fonseca and Decision of the Central American Court of Justice as of 1917

In the past the border countries have subscribed different treaties, nevertheless, none of them reached the primary objective: a definite solution to the controversy. The referenced treaties with a general analysis of their main intention are mentioned as follows:

**Crúz-Letona Convention, 1884:** Honduras and El Salvador attempted to solve their disputes about the Tiger, Zacate Grande and Meanguera Islands, Seeking friendly resolution of

the existing problems both countries appointed special Commissioners, representing on the part of Honduras, Francisco Cruz and, in behalf of El Salvador, Lizandro Letona.

**Maritime Delimitation Between Honduras and Nicaragua as of 1900:** The Gámez-Bonilla Treaty signed between Honduras and Nicaragua on October 7, 1894, established the Joint Commission of Limits. This Commission decided the maritime boundary in the Gulf of Fonseca, in a meeting held in the Municipality of San Marcos de Colon, Department of Choluteca, Honduras, on June, 12, 1900.

**Chamorro – Bryan Treaty as of 1914:** With the purpose to grant in perpetuity the rights for the construction of an inter-oceanic canal, Nicaragua, granted to the United States of America -among other concessions-, the right to establish, to operate and, to maintain a Naval Base on any location of the territory of Nicaragua bordering on the Gulf of Fonseca. As a consequence both governments signed a treaty on August 5, 1914, known as the Chamorro-Bryan Treaty, named thus in honor to the respective plenipotentiaries, Emiliano Chamorro representing Nicaragua, and William Jennings Bryan, representing the United States.

**Rule of the Central American Court of Justice as of 1917:** The decision pronounced by the Central American Court of Justice in March, 9, 1917 is quite extensive, and consists essentially of three parts: Act of Voting of the Judgment, Analysis of the Action on the Legal Condition of the Gulf of Fonseca and, Ruling on the Chamorro-Bryan Treaty.

**Treaty of Peace as of 1990:** On October 30, 1980, with the mediation of the Peruvian jurist José Luis Bustamante i Rivero, a General Treaty of Peace between the Republics of El Salvador and Honduras, was signed. In this way after eleven years of latent war situation, both countries decided to restore relations, sustaining that to solidify them, was indispensable to completely solve the problems that gave rise to the armed conflict in 1969.

For that reason such document foresees a series of measures tending to canalize the solution of these difficulties. The text includes nine titles with the following subjects: I)Peace and Treaties, II)Free Transit, III)Diplomatic and Consular Relations, IV)Border Affairs, V)Central American Common Market, VI)Claims and Differences, VII)Human Rights and Family, VIII)Commitment of Faithful Fulfillment and IX)Ratification and Validity. Concrete answers on each one of these subjects are formulated in the Treaty; therefore it has an extraordinary importance.

**Rule of the International Court of Justice as of 1992:** The territorial, insular and maritime controversy between El Salvador and Honduras was finally put under the jurisdiction of the ICJ through a Special Commitment signed on May 24, 1986.

With respect to the Gulf of Fonseca, both countries asked to the Court to determine the legal situation of the islands and the maritime spaces both, inner and outer of the Gulf. On November 17, 1989 Nicaragua presented to the Court a request to take part in the case. Such petition was accepted by the ruling of September 13, 1990; but to take part solely with respect to the legal situation of waters of the Gulf of Fonseca.

The ruling of the ICJ in 1992 decided that the Gulf of Fonseca does not represent international waters because of the two countries' shared history as provinces of the same colonial power and subsequent membership in the United Provinces of Central America. The court ruled, rather, that the Gulf of Fonseca is a condominium, with control being shared by El Salvador, Honduras, and Nicaragua.

#### Analysis of Strategic Importance for Honduras of the Free Passage to the Pacific Ocean through Gulf of Fonseca

##### Strategic Principles of the Foreign Policy of Honduras

The principles and directions of the Foreign policy of Honduras are established through the decisions of those whom temporarily perform as President of the Republic. Throughout the effective democratic process from 1982 to the date, those manifestations have been defined clearly in the following strategic principles:

- The search of peace in its triple dimension: Domestic, bilateral and multilateral
- The citizen security
- The defense and continuity of the Democracy
- The promotion of the Economic and Social development of the inhabitants through international cooperation for the development

#### Honduran Strategy to Maintain the Free Passage to the Pacific Ocean through Gulf of Fonseca

It is important to indicate that the Honduran South zone has been historically one of the poorest areas of the national territory. Socioeconomic conditions are really low, and agricultural production does not satisfy the necessities of its population. To supplement their incomes many of the inhabitants (most of them farmers), combine their productive activity with commerce, while others abandon their lands in order to work full time in different activities such as craft, commerce or the service sector.

Most of agricultural production is destined to domestic consumption; therefore, exportable production is quite small. Raisers of cattle, porcine and hens, sell their animals to supply themselves with the agricultural products needed to produce corn and maicillo, used for their

own feeding. Meat is not consumed frequently, since they prefer to sell it to El Salvador where the price is higher than in Honduras.

Vegetable production is low and those that are consumed come from other domestic regions and from El Salvador. Such a critical economic situation provokes the internal migration from the farms to the city, and the international migration of hundreds of Hondurans to the United States looking for a solution to their crisis. Other options to look at are:

- Areas with weak economic potential do not attract public and private investment. This hard fact reinforces the unequal economic development and opportunity in areas such as Southern Honduras.
- Lack of infrastructure, health and educational projects. The lack of public services such as telephone, electricity and, clean water; and the lack of roads in the border zone further isolate the South and cause them to acquire goods in El Salvador, where routes of access exist and the distances are closer.
- Donations of foods, medical brigades, different international aid and other forms of welfare assistance have been sent to the region as a palliative to the crisis, but such aid does not solve the conditions of poverty of the region.

With regards to natural resources the Gulf of Fonseca has a particular importance for the three bordering countries. The South zone of Honduras has four hydrographic river basins (Choluteca River, Nacaome River, River Goascorán and Río Negro) which drain to the Gulf of Fonseca greatly influencing greatly the natural dynamics.

Thus, the Honduran strategy can be defined in terms of objectives, forms, means and risks as follows:

### Objectives

The fundamental objective is the maintenance of the status quo which allows the free passage of boats through Gulf of Fonseca towards the Pacific Ocean, communicating with the bordering countries and beyond through this important maritime route, that in the future could mean the development of an Inter-oceanic “dry canal” through national territory<sup>9</sup>.

### Ways

Maintenance of free passage through the Gulf of Fonseca is enforced through diplomatic initiatives backed by a clearly stated national policy to this effect. Such a strategy puts the international community on notice that for Honduras the right of unimpeded passage through the Gulf is a vital national interest. Specifically it makes clear to the international community that any

attempt by Nicaragua or El Salvador to block the Honduran right of free passage is unacceptable.

#### Means

Honduras counts upon the realization by the International Community that the loss of the right of free passage through the Gulf would be an economic calamity of enormous proportions especially for the people of Southern Honduras. Honduras also counts as a means the International Legal Court to which already it has gone in the past with good success.

#### Risks

Following the strategy outlined above has inherent risks. Should it fail, and the right of free passage through the Gulf is impeded or lost, the Honduran economy will take a serious blow. The international commerce between Honduras and its Pacific trading partners would be annulled with the consequent bankruptcy of many of the shrimp fishers, meloneras, producers of meat and other enterprises that operate in the Honduran zones bordering the Gulf of Fonseca.

#### Alternative Strategies to Reach the Honduran Strategic Objectives Destined to Maintain the Free Passage through the Pacific Ocean

In Honduras there are many alternative strategies for maintaining free passage. Some place an impossible economic burden on the national treasury, while others are merely preposterous. All require political decisions that are unachievable due to the reality of present circumstances and the legalities of existing bilateral and multilateral commitments that Honduras has with the neighboring countries of the Gulf of Fonseca. Among other alternative strategies we have:

- Inter-oceanic railroad Gulf of Fonseca through Puerto Cortés
- Central American Freeway and Inter-oceanic Freeways (Dry Canal)
- Development of the Border Zones Bordering to the Gulf of Fonseca
- Project of Conservation of the Coastal Ecosystems of the Gulf of Fonseca (PROGOLFO)
- Central American Commission for Environment and Development (CCAD)
- Integrated Cattle and Agricultural Development
- Integrated Industrial Development
- Ecological and Recreational Tourism
- Integrated Artisan Fishing to the Interior of the Gulf of Fonseca

- Integrated Industrial Fishing to the Outside of the Gulf of Fonseca
- Joint System of Patrolling, Monitoring, and Rescue in the Gulf of Fonseca

The legal situation of the Gulf of Fonseca is a complex multinational problem, not only in time but in space, which have not been able to be solved completely, despite the attempts throughout recent history. Of such way, of the ten above-mentioned projects I consider that three of them would be feasible, acceptable and suitable as alternative strategies to solve definitively the conflict. If they were executed, they could guarantee the achievement of the Honduras objective to maintain its free passage to the Pacific through the Gulf of Fonseca, and would overcome the repeated reluctance of the governments of El Salvador and Nicaragua to recognize such right.

Executing these projects could solve the controversy, helping therefore, the economic, political and social strategies of the three countries. In addition, it would give a great impulse to both integration and regional development.

Every alternative strategy is presented as a "project profile", due to the lack of available information, thus will be necessary to conduct the corresponding feasibility studies to confirm its viability. It is not indispensable to execute the projects simultaneously nor in a short term. Every project could be executed within medium or long term.

#### Alternative Strategy N° 1 Inter-Oceanic Railroad Gulf of Fonseca-Puerto Cortés

##### Objective

To construct and operate harbor terminals in both "Puerto Cortes" in the Atlantic and "Gulf of Fonseca" in the Pacific, capable to receive ships up to 10 meters draft; jointed by means of a high speed electrical railroad through the shortest ground route, to transfer international cargo.

##### Executing Entity

Company with national and/or foreign capital, granted by the State of Honduras and, an normative official organism, with participation of the National Port Enterprise, National Railroad of Honduras and Finance Secretary.

##### Scope of the Project

To increase harbor yearly cargo capacity in "Puerto Cortés" up to 15 million metric tons and, a new port in the Gulf of Fonseca with 10 million metric tons capacity; 405 Km. of main railroad-line and 195 Km. of branches.

#### Investment in US\$ Millions (estimated)

• Enhancement of Puerto Cortés	600
• New port in the Gulf of Fonseca	600
• Main railroad-line and branches	1,000
• Rolling equipment and others	500
Total	2,700

#### Financial Sources

- National and/or international private enterprises

#### Description

- 1,000 linear meters of pier in Puerto Cortés with:
  - A 150,000 M2 storing zone for containers
  - A 50,000 M2 railway zone for loading and maneuvers
  - Operative and administrative facilities necessary to handle up to 15M metric tons of cargo per year.
- 1,000 linear meters of pier a new port in the Gulf of Fonseca with:
  - A 100,000 M2 storing zone for containers
  - A 30,000 M2 railway zone for loading and maneuvers
  - Operative and administrative facilities necessary to handle up to 10M metric tons of cargo per year.
- Main railway line of 405 Km in length between Puerto Cortés and the new port in the Gulf of Fonseca, plus a branch of 41 Km from length to the Puerto de la Unión in El Salvador and a branch from 154 km to the Puerto Corinto in Nicaragua.

#### Justification

- This project offers remarkable advantages over other options that could be proposed with the same purpose.
- The investment of US\$ 2.700 million can be profitable considering a 50 years life utility of the facilities, in addition to the economic benefits that it would generate for the region.

#### Possible Obstacles

- 94 Km mountainous section to border on the dam "Francisco Morazán" could present some difficulty to the construction.

- Connection of Isla del Tigre with mainland if it were selected to construct the south harbor terminal.

#### Environmental Impact

- This project could have a moderate incidence on the ground ecosystems throughout the route. -The greater relative impacts could be on the harbor terminal in the interior of the Gulf of Fonseca, due to possible spills of liquid substances, as well as the harbor traffic that could interfere with the proposed project of ecological and recreational tourism.

#### Alternative Strategy N° 2 Central American Freeway and Inter-Oceanic Freeways

##### Objective

- To enable Central American region with a major highway interconnecting the inner regions of all the countries serving as the axis for the future ground transportation system; complemented with inter-oceanic routes in Guatemala, El Salvador-Honduras, Nicaragua, Costa Rica and Panama; also, to connect by ground, North America and South America.

##### Executing Entity

- Regional enterprise which would manage the road network of Central American Integration as well.

##### Scope of the Project

- Approximately 2.670 Km of main highway with 4 lanes, from the Mexico-Guatemala border to the Panama-Colombia border; in addition, a total of 5 inter-oceanic highways with the same characteristics with total length of 1.520 Km.

##### Investment in US\$ (Estimated)

- |                          |       |
|--------------------------|-------|
| • Main highway           | 2,000 |
| • Inter-oceanic highways | 1,000 |
| Total                    | 3,000 |

##### Financial Sources

- National and/or international private and public enterprises



## Description

- 2,670 Km of longitudinal highway through the central part of the isthmus, located on the plateau and central valleys of the countries, generally by the side of the slope of Pacific. Thus, in Guatemala it would follow the route of the current Pan-American highway by the central plateau; in El Salvador by the cities of Santa Ana, San Salvador and Sensuntepeque; in Honduras by the valley of Comayagua, cities of Tegucigalpa and Danlí; in Nicaragua by the city of Sebaco, northern shore of the lakes; and by the central part of Costa Rica and Panama.
- The approximate lengths by country will be:
  - Guatemala 500 Km.
  - El Salvador 300 Km.
  - Honduras 300 Km.
  - Nicaragua 430 Km.
  - Costa Rica 640 Km.
  - Panamá 500 Km.
  - Total 2,670 Km.
- 1,520 km in 5 inter-oceanic highways in the 6 countries, which would serve as cross-sectional routes for the longitudinal highway, distributed as follows:
  - Guatemala (San José - Puerto Barrios) 410 Km.
  - El Salvador-Honduras (La Unión- Comayagua-Puerto Cortés) 400 Km.
  - Nicaragua (Corinto-Bluefields) 470 Km.
  - Costa Rica (P. Arena-Puerto Limón) 150 Km.
  - Panamá (Ciudad de Panamá-Colón) 90 Km.
  - Total 1,520 Km.

## Justification

- The mountains have obstructed the communication among the Central American population, pushing the development towards the coasts, mainly to the ports in the Pacific.

## Possible Obstacles

- Due to the negative traditional idea about the Central American's natural environment, the ground communication between its countries has been hindered, pushing the development towards the coastlines in the Pacific mainly. Nevertheless, their variety of mountains, inner valleys, climates and lands, far from being obstacles, are valuable

resources that must be taken advantage of to reach high levels of development; the key for that transformation is into the attitude of its inhabitants towards such environment.

- The greater obstacle is the lack of updated feasibility studies for a ground transport regional system, since the latest study of this type was made in 1976; another one is the lack of available loans to finance road infrastructure projects, therefore, the possibility of private investment could be considered, recovering this through a toll system.

#### Environmental Impact

- Displacement of the population from zones economically depressed towards zones of greater development benefited with this project.
- Probable contamination of streams from the high lands that drain in the Pacific.
- Use of 10.000 hectares of land with possible cattle and agricultural potential for the freeways.
- Deforestation of the mountainous areas in the north of El Salvador, and central zones of Honduras and Nicaragua.

#### Alternative Strategy N° 3 Joint System of Patrolling, Monitoring, and Rescue in the Gulf of Fonseca

##### Objectives

- To create a system to exert joint monitoring in both, inner and the outer sides of the Gulf of -Fonseca, including the zone of mangroves.
- To provide aid in case of shipwrecks or maritime emergencies.

##### Executing Entity

- The naval force and the civilian police of every country with sovereignty over the Gulf of Fonseca

##### Scope of the Project

- Organization and training of integrated patrolling teams (naval and police elements)
- Acquisition of the cutters and equipment
- Construction of an operational base

#### Investment in US\$ (Estimated)

• Initial investment	1
• Operations during five years	5
Total	6

#### Financial Sources

- Governments of Honduras, Nicaragua and El Salvador. (No reimbursable investment)

#### Description

- Two cutters for patrolling in the inner and outer sides of the Gulf.
- Four small boats for monitoring of the coast and the estuaries.
- A patrol base located in a strategic place of the Gulf.
- A suitable amount of specialized patrol men.

#### Justification

- To carry out both efficient and economic activities within the Gulf of Fonseca, a joint security element must be established; this will be able only if the Gulf remains free of either, fiscal, migratory, sanitary, drug trafficking, problems.

#### Possible Obstacles

- In the region experience of this type does not exist.

#### Environmental Impact

- A negative environmental impact of importance is not anticipated. By the opposite, the project would contribute to avoid the damages to the ecosystems of the Gulf.

#### Conclusions

1. Honduras advances towards the future trusting the benefits of international justice and exerting its sovereignty on territorial waters to guarantee its security and defense, and to protect its national interests.

2. Honduras has a favorable geopolitical position and an immense wealth of marine and tourist resources that must protect and rationally take advantage of them.

3. The free passage of Honduras to the Pacific through Gulf of Fonseca is a strategic objective that must be consolidated by means of the application of alternative strategies and a foreign policy based on the International Law.

4. Despite all the favorable resolutions to Honduras, Nicaragua and El Salvador have insisted on holding an unfounded position to deny the free passage of Honduras to the Pacific Ocean through the Gulf of Fonseca.

### Recommendations

1. The knowledge of the maritime issues is very complex, for such reason Honduras must stay within the block of Latin American nations, where in spite of diverse inequalities, a historical, geographic and human unit exists.

2. Honduras must continue using the dialogue or the direct negotiation like main strategy to solve the conflict of limits with El Salvador and Nicaragua.

3. Honduras must promote the creation of a map of the defined base lines in the Gulf of Fonseca (in order to legally form the sea borders according to the procedures of the Right International), which must be deposited in the United Nations.

### Endnotes

<sup>1</sup> [http://en.wikipedia.org/wiki/Geography\\_of\\_Honduras](http://en.wikipedia.org/wiki/Geography_of_Honduras)

<sup>2</sup> Political Constitution of the Republic of Honduras

Article 11 of the Constitution of the Republic of Honduras states that: “also belongs to the State of Honduras the continental platform, that includes the bed and the subsoil of submarine zones that extend beyond their territorial sea and further of the natural prolongation of its territory until the outer edge of the continental margin, or until a distance of two hundred marine miles from the lines of base, from which is measured the width of the territorial sea in the cases in that the outer edge of the continental margin does not reach that distance”

This article is totally supported by the International Law of the Sea, which also supports the right of sovereignty of Honduras over the Gulf of Fonseca, located in that platform; whose elements (islands, keys and waters) are natural components of the continental margin and in any case, form a single unit of the natural prolongation of the territory of Honduras

<sup>3</sup> A.P. Sereni Thesis: Refers that the international crises distinguish three main momentous: first, an initial momentous, known as situation, in which the crisis has not even taken place, but it is in potential condition; second, conflict, that supposes a discrepancy between subjects of the International Law, which has induced or can induce to one of them to act against another one; third, Controversy or difference, when one of the parts applies opposed claims, or when one of the parts claims something that the other one do not accept. *Diritto Internazionali*, IV, Milano, Italy, 1965, Pages. 1585 to 1587 quoted by Raul Zaldivar Muñoz: Honduras and El Salvador: The Bordering Controversy, Center of Documentation of Honduras, Tegucigalpa 1995 Pages 28 to 50.

<sup>4</sup> M. Huber: The Sovereignty of a State is the right to exert in such place its functions, excluding any other State. *Diritto Internazionali*, IV, Milano, Italy, 1965, Pages. 1585 to 1587

quoted by Raul Zaldivar Muñoz: Honduras and El Salvador: The Bordering Controversy, Center of Documentation of Honduras, Tegucigalpa 1995 Pages 28 to 50.

<sup>5</sup> Act of Guatemala: A compilation prepared by Honduran Jurist Camilo Gomez Gomez as an argument of the Honduran defense against the claims of El Salvador. It was a document that created the Council of Indians in 1528, which ordered that it had the supreme jurisdiction of all the Western Indians of the Kingdom of Spain, delimiting the General Captaincy of Guatemala which included Guatemala, El Salvador, Nicaragua and Costa Rica. The Council of Indians was a consultative organ, an Assembly, a Court, an Administrative agency, and an Academy of Studies.

<sup>6</sup> Note of October 12, 1854: Document presented by El Salvador as an argument to vindicate the possession of the islands of the Gulf of Fonseca. The Honduran thesis (which follows the guidelines of SERENI, HUBER and GOMEZ) presented to the ICJ affirms that the boundaries were defined in 1821, following the guidelines from the Council of Indians, 1528.

<sup>7</sup> Convention of April 10, 1884: Such Convention was not ratified by Honduras because did not vindicate its national interests, since it was granting all the islands of the Gulf of Fonseca to El Salvador.

<sup>8</sup> Thesis of Condominium: The legal situation of waters of the Gulf of Fonseca is a sui generis situation; a joint sovereignty exists all over its waters; they are subject to a tripartite condominium. Honduras has legal rights over the waters of the Gulf until the closing line therefore, has equivalent rights as well as El Salvador and Nicaragua. The three States have territorial sea, continental platform and exclusive economic zone. The existence of the tripartite condominium in the line of closing implies that Honduras has right with respect to waters of the Ocean outside the gulf.

<sup>9</sup> A "dry canal" that would joint the ports of the Pacific with those of the Atlantic (San Lorenzo, Amapala and Cortés).

